DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. 02-5804/LSI1P212

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>VAPORIZATION AND HANDLING OF METALS FOR USE IN SEMICONDUCTOR PROCESSING</u> the specification of which,

	1. 🗵	is attached hereto.		
	2.	was filed on U.S. Application No and was amended on		
	3.		on No.	
I hereby state that amended by any ar	I have review nendment refer	ed and understand the contered to above.	nts of the above-identified	specification, including the claims, as
I acknowledge the 37, CFR § 1.56.	duty to disclos	e information which is mater	ial to the patentability of thi	s application in accordance with Title
Prior Foreign Ap	plication(s)			
f r patent or invention than the United S	itor's certificate states, listed be	or § 365(a) of any PCT Intelled believed the control of the contro	ernational application which	§ 365(b) of any foreign application(s) designated at least one country other
claimed:	ite, or PCT Int	ernational application having	a filing date before that o	f the application on which priority is
claimed: (Application No.)	ite, or PCI Int	ernational application having	a filing date before that o	f the application on which priority is Priority Benefits Claimed? Yes No
claimed:	ite, or PC1 Int	ernational application having	(Filing Date)	f the application on which priority is Priority Benefits Claimed? Yes No
claimed:	ite, or PC1 Im	ernational application having	a filing date before that o	f the application on which priority is Priority Benefits Claimed?
(Application No.)		ernational application having (Country)	(Filing Date)	f the application on which priority is Priority Benefits Claimed? Yes No
(Application No.) (Application No.) Pr visional Application	cation(s)	ernational application having (Country)	(Filing Date) (Filing Date)	f the application on which priority is Priority Benefits Claimed? Yes No Yes No
(Application No.) (Application No.) Pr visional Application	cation(s)	(Country) (Country)	(Filing Date) (Filing Date)	f the application on which priority is Priority Benefits Claimed? Yes No Yes No

Atty. Dkt. No.: 02-6352/LSI1P212

(Revised 03/00)

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each f the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Power of Attorney

And I hereby appoint the law firm of Beyer Weaver & Thomas, LLP and all practitioners who are associated with the Customer Number 022434 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct Correspondence To:	Customer Number: 024319		
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Direct Telephone Calls To:	Timothy Croll at telephone number (408) 954-4923		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Nam Sole or First Inventor:		6 12 311-	VI 1- 40 0 1	
Doic of That Mychol.	Sheldon Aronowitz	Citizenship:	United States of America	
Inventor's signature		Date of Signat	Date of Signature:	
Residence: (Ci	y) San Jose	(State/Country)	California/USA	
Post Office Address:	3577 Barley Court, San Jose, California	95]27-440]		
Second Inventor:	James Kimball	Citizenship:	United States of America	
Inventor's signature:	James C. Fimba	Date of Signati	ire: May 9,2003	
Residence: (Cit	y) San Jose	(State/Country)	California/USA	
Post Office Address:	15123 Stratford Drive, San Jose, Califor	mia 95124		

Atty. Dkt. No.: 02-6352/LSI1P212

(Revises 03/00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aronowitz et al. Attorney Docket No.: LSI1P212/02-

5804

Application No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Group: Not ye assigned

Title: VAPORIZATION AND HANDLING OF METALS FOR USE IN SEMICONDUCTOR

PROCESSING

DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF OMITTED INVENTORS Pursuant to 37 C.F.R. §1.47 (a)

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration for the above-identified patent application by the omitted inventor, Sheldon Aronowitz. This declaration is being made by an available person having first-hand knowledge of the facts recited therein.

I, James E. Austin, do hereby declare:

- 1. I am a patent attorney who prepared the above referenced application. The application names two inventors, Sheldon Aronowitz and James Kimball, both of whom were employed by LSI Logic Corporation ("LSI") at the time the invention of the subject application was made. During the course of the preparation of the subject application, the employment of Sheldon Aronowitz with LSI terminated.
- 2. On May 9, 2003, my assistant, Tara Hayden, sent a letter to Mr. Aronowitz, enclosing a copy of the completed application, a Declaration and Power of Attorney for Original U.S. Patent Application ("Declaration"), and an Assignment of Patent Application ("Assignment"), and requesting that the inventor sign the Declaration and Assignment for

- filing with the application in the U.S. Patent Office. A copy of Ms. Hayden's May 9, 2003 letter to the non-signing inventor, Mr. Aronowitz, is attached as Exhibit A, hereto.
- 3. On May 20, 2003, Ms. Hayden received a letter from Mr. Aronowitz in response to her letter of May 9, 2003. In his letter, Mr. Aronowitz indicated that he was returning the subject patent application unread and unsigned and that he would only sign the Declaration and Assignment documents for the application if a satisfactory arrangement could be reached between himself and LSI, his former employer. A copy of Mr. Aronowitz's letter of May 19, 2003 is attached hereto as Exhibit B.
- 4. On May 20, 2003, I forwarded a copy of Mr. Aronowitz's letter of May 19, 2003 to the LSI patent attorney responsible for this application, Timothy Croll, and notified Mr. Croll in a telephone conversation of Mr. Aronowitz's position. Mr. Croll indicated to me that LSI would attempt to reach a satisfactory arrangement with Mr. Aronowitz for execution of the Declaration and Assignment documents.
- 5. From that time until the present I am informed by Mr. Croll that negotiations between LSI and Mr. Aronowitz have failed to achieve a satisfactory arrangement. Accordingly, Mr. Aronowitz has refused to sign the Declaration and Assignment documents for the application.
- 6. Mr. Aronowitz has assigned to LSI his interest in the invention described and claimed in the subject application pursuant to his employment agreement (Employee Invention and Confidential Information Agreement) dated February 16, 1993, a copy of which is attached hereto as Exhibit C.
- 7. Filing of the present application in a timely fashion is necessary to preserve the rights of the applicants and assignee, since a delay in filing could result in the application of intervening art against the application. Therefore, any further delay in filing the present application represents a risk to the patent rights. Accordingly, the accompanying Petition for Application by Other Than All the Inventors is being filed together with the subject application in order to preserve the patent rights.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

James E. Austin Reg No.: 39,489